



IT

Docket No.: ISH-0246  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Kingo SUZUKI et al.

Application No.: 09/600,888

Filed: August 15, 2000

Confirmation No.: 4637

Art Unit: 2893

Examiner: H. B. Trinh

For: LIGHT EMITTING DIODE AND  
FABRICATION PROCESS THEREFOR

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

In response to the Restriction Requirement dated April 30, 2009, Applicants provisionally elect Group I, claims 15-20, drawn to a device, with traverse.

The Examiner has required a restriction under 35 U.S.C. §121, and has alleged that the application contains distinct inventions. However, this application is a National Phase of a PCT application filed in the United States Patent and Trademark Office under 35 U.S.C. §371, and is not an application filed under 35 U.S.C. §111(a).

MPEP §1893.03(d) points out that with respect to national stage applications filed under 35 U.S.C. §371, restriction practice under 35 U.S.C. §121 is inapplicable. Rather, Unity of Invention practice under PCT Rule 13 and 37 CFR 1.475 applies.

Accordingly, a Restriction Requirement is governed under the Unity of Invention standards, and the Examiner must clearly specify why the claims directed to different groups of inventions lack a common special technical feature. Namely, Unity of

Invention exists when claims are directed to a common special technical feature. This is discussed in detail in Chapter 1800 of the MPEP. Examples concerning Unity of Invention are given in the Annex to the MPEP.

The Examiner states in the Office Action that "Inventions Group I and II are related as process of making and product made." Accordingly, the Examiner has acknowledged that there is a single general inventive concept under PCT Rule 13.1.

It is respectfully submitted that the Examiner withdraw the Restriction Requirement and rejoin all of the claims to the present application.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. ISH-0246 from which the undersigned is authorized to draw.

Dated: May 27, 2009

Respectfully submitted,

By 

Carl Schaukowitch

Registration No.: 29,211

RADER, FISHMAN & GRAUER PLLC

Correspondence Customer Number: 23353

Attorney for Applicant